

EXHIBIT E

30(b)(6) Fishman Deposition
3/12/08

30(b)(6) Abbott (Fishman, David S.)

March 12, 2008

1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)
INDUSTRY AVERAGE WHOLESALE)
PRICE LITIGATION) MDL No. 1456
-----) Civil Action
This document relates to:) No. 01-12257-PBS
United States of America,)
ex. rel. Ven-a-Care of the)
Florida Keys, Inc.,) Hon. Patti Saris
vs.)
Abbott Laboratories, Inc.,) Magistrate Judge
CIVIL ACTION NO. 06-11337-PBS) Marianne Bowler

Videotaped 30(b)(6) deposition of DAVID S.
FISHMAN, called by the Plaintiffs for examination,
taken pursuant to notice, agreement and by the
provisions of the Rules of Civil Procedure for the
United States District Courts pertaining to the
taking of depositions, taken before DEBORAH HABIAN, a
Notary Public within and for the County of Cook,
State of Illinois, and a Certified Shorthand Reporter

Henderson Legal Services, Inc.

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30(b)(6) Abbott (Fishman, David S.)

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2 (Pages 2 to 5)

1	of said State, at the offices of JonesDay, 77 West	1	INDEX OF EXAMINATIONS	4
2	Wacker Drive, 35th Floor, Chicago, Illinois, on the	2		
3	12th day of March, 2008, at 8:34 a.m.	3	WITNESS: DX CX RDX RCX	
4		4	DAVID S. FISHMAN	
5	APPEARANCES:	5	EXAMINATION BY:	
6		6	ANN ST. PETER-GRIFFITH, ESQ. 06	
7	U.S. DEPARTMENT OF JUSTICE	7		
8	COMMERCIAL LITIGATION, FRAUD	8	INDEX OF EXHIBITS PAGE	
9	BY: ANN ST. PETER-GRIFFITH, ESQ.	9	Exhibit Fishman 001, Sub 1 through Sub 40	
10	99 N.E. 4th Street	10	ABT-DOJ 0394762 through 0395345 21	
11	Miami, Florida 33132	11	Exhibit Fishman 002, ABT-DOJ 0302503	
12	(305) 961-9001	12	Abbott Lab Ethics & Compliance Policy 147	
13	on behalf of the United States;	13	Exhibit Fishman 003, Notice of Deposition 176	
14		14	Exhibit Fishman 004, TXABT 49911	
15	ANDERSON, LLC	15	Proposal Analysis 260	
16	BY: C. JARRETT ANDERSON, ESQ.	16	Exhibit Fishman 005, TXABT 38152	
17	208 West 14th Street, Suite 3-B	17	Proposal Analysis 260	
18	Austin, Texas 78701	18	Exhibit Fishman 006, TXABT 38152	
19	(512) 469-4549	19	Injectable Comparison 269	
20	on behalf of the Relator, Ven-a-Care;	20	Exhibit Fishman 007, ABT-DOJ 0233906	
21		21	Catalog Price Adjustment 351	
22		22		
1	APPEARANCES (continued):	3		5
2				
3	JONES DAY		THE VIDEOGRAPHER: This is Stephan Hoog of	
4	BY: TONI-ANN CITERA, ESQ.		Legal Video Services, Inc., 205 West Randolph Street,	
5	77 West Wacker Drive		Chicago, Illinois. I'm the operator of this camera.	
6	Chicago, Illinois 60601-1692		We're on record March 12th, 2008. The time is 8:34,	
7	(312) 782-3939		as indicated on video screen.	
8	on behalf of the Defendants.		This is the videotaped deposition of	
9			David Fishman being taken on behalf of Federal Rules	
10	ALSO PRESENT:		of Civil Procedure on behalf of the Plaintiff. We are	
11	STEPHAN HOOG, VIDEOGRAPHER		at 77 West Wacker Drive, Chicago, Illinois. This case	
12	HENDERSON LEGAL SERVICES		is captioned In Re: Pharmaceutical Industry Inc. AWP,	
13			Case No. 01-12257-PBS.	
14			Will the attorneys please identify	
15			themselves for the video record?	
16			MS. ST. PETER-GRIFFITH: Ann St. Peter-Griffith	
17			from the United States Attorney's Office, Southern	
18			District of Florida on behalf of the United States.	
19			MR. ANDERSON: Jarrett Anderson, counsel for	
20			the lawyer.	
21			MS. CITERA: Toni Citera, counsel for the	
22			witness and for the Defendant from JonesDay.	
			THE VIDEOGRAPHER: The court reporter today is	
			Debbie Habian. Would you please swear in the witness?	

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66 (Pages 258 to 261)

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<p>1 opinion about a conclusion.</p> <p>2 MS. ST. PETER-GRIFFITH: Sir --</p> <p>3 THE WITNESS: A conclusion about --</p> <p>4 MS. ST. PETER-GRIFFITH: Sir, unless she</p> <p>5 instructs you not to answer, you need to answer the</p> <p>6 question.</p> <p>7 MS. CITERA: No, that's his answer, he's not</p> <p>8 prepared to testify about that.</p> <p>9</p> <p>10 BY MS. ST. PETER-GRIFFITH:</p> <p>11 Q. Why aren't you prepared to testify about</p> <p>12 that?</p> <p>13 A. Because you're asking for a conclusion.</p> <p>14 Q. Sir, what's the answer to the question?</p> <p>15 MS. CITERA: No.</p> <p>16 THE WITNESS: I'm not prepared to testify to</p> <p>17 that.</p> <p>18 BY MS. ST. PETER-GRIFFITH::</p> <p>19 Q. If Abbott provided in response to requests</p> <p>20 for proposal information concerning AWPs and spreads,</p> <p>21 would that violate the so-called practice that you</p> <p>22 described earlier?</p>	<p>1 MS. ST. PETER-GRIFFITH: And this.</p> <p>2 THE REPORTER: A different one?</p> <p>3 MS. ST. PETER-GRIFFITH: Um-hum.</p> <p>4 (Exhibit Fishman 004 and</p> <p>5 Exhibit Fishman 005</p> <p>6 was marked for ID)</p> <p>7 THE REPORTER: Here you go.</p> <p>8 THE WITNESS: Which one do you want me to look</p> <p>9 at?</p> <p>10 BY MS. ST. PETER-GRIFFITH:</p> <p>11 Q. Why don't we start with the one that says</p> <p>12 "160" at the bottom?</p> <p>13 A. Where would it say "160" at the bottom?</p> <p>14 MS. CITERA: Here.</p> <p>15 MS. ST. PETER-GRIFFITH: Where it says --</p> <p>16 MS. CITERA: This one (indicating). This one</p> <p>17 (indicating).</p> <p>18 THE WITNESS: Oh. Oh, okay.</p> <p>19 MR. ANDERSON: Ann, why don't you state for</p> <p>20 the record what it's marked now and what it's</p> <p>21 previously been marked? Because we have testimony</p>
259	261
<p>1 MS. CITERA: Same objections, also</p> <p>2 hypothetical.</p> <p>3 THE WITNESS: It's hypothetical. Depending on</p> <p>4 who -- who did it, and you're seeking a -- you're</p> <p>5 seeking a conclusion based on a set of facts under</p> <p>6 legal analysis of the code.</p> <p>7</p> <p>8 BY MS. ST. PETER-GRIFFITH:</p> <p>9 Q. Sir, do you know what a proposal analysis</p> <p>10 is?</p> <p>11 A. A proposal analysis?</p> <p>12 Q. Um-hum.</p> <p>13 A. I know what the words mean.</p> <p>14 Q. Okay, but within Abbott HPD, do you know</p> <p>15 what a proposal analysis is?</p> <p>16 MS. CITERA: Objection, outside the scope.</p> <p>17 THE WITNESS: Specifically, no.</p> <p>18 MR. ANDERSON: Don't you want to keep the top</p> <p>19 one.</p> <p>20 MS. ST. PETER-GRIFFITH: Would you mark this as</p> <p>21 the next exhibit?</p> <p>22 THE REPORTER: Sure. It's 4.</p>	<p>1 from other witnesses about the prior exhibit number.</p> <p>2</p> <p>3 BY MS. ST. PETER-GRIFFITH:</p> <p>4 Q. Sir, I'm showing you -- this has been</p> <p>5 marked as Exhibit 4?</p> <p>6 A. 5.</p> <p>7 Q. 5 in your deposition. It was previously</p> <p>8 marked in the Beck deposition as Deposition Exhibit</p> <p>9 160. Do you see that at the bottom?</p> <p>10 A. I do.</p> <p>11 Q. Sir, this is a proposal analysis wherein</p> <p>12 Abbott provides -- wherein Abbott provided -- and if</p> <p>13 you could flip to the page down at the bottom where it</p> <p>14 says "38355"?</p> <p>15 A. 38355?</p> <p>16 Q. It's probably three quarters of the way</p> <p>17 through the pack.</p> <p>18 A. Yes, I've got it. 38355, yes, I have that</p> <p>19 page.</p> <p>20 Q. If you could look at the chart on the --</p> <p>21 at the end, the last two columns where it says,</p> <p>22 "Competitive AWP" and "Abbott AWP." Do you see that?</p>

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67 (Pages 262 to 265)

	262		264
1	A. I do.	1	to an Abbott customer, would this violate the
2	Q. Okay, that's a comparison of AWPs, okay?	2	practice?
3	A. Okay.	3	MS. CITERA: Objection to the form, outside the
4	MS. CITERA: Objection to the commentary.	4	scope.
5	BY MS. ST. PETER-GRIFFITH:	5	THE WITNESS: I don't know what the
6	Q. We have heard -- well, I'm just trying to	6	circumstances were.
7	educate the witness on the testimony that we've	7	BY MS. ST. PETER-GRIFFITH:
8	received on this.	8	Q. Did you do anything to investigate what
9	MR. ANDERSON: Ask him, ask him.	9	the circumstances were?
10	BY MS. ST. PETER-GRIFFITH:	10	A. Until you showed me this document two
11	Q. Sir, do you understand what the two	11	minutes ago, I wasn't aware of its existence.
12	columns reflect?	12	Q. Okay, would it violate the practice?
13	A. I understand --	13	MS. CITERA: Objection to the form, outside the
14	MS. CITERA: Objection to form.	14	scope.
15	THE WITNESS: I -- based on the label of the	15	THE WITNESS: I could state what the practice
16	column on the top right, "Abbott AWP," I would assume	16	is and the practice was, which was not to provide AWP
17	that those are Abbott's AWP prices.	17	information to customers.
18	"Abbott's AWP -- Competitive AWP," I	18	BY MS. ST. PETER-GRIFFITH:
19	wouldn't know whose that was.	19	Q. So if this AWP information was provided to
20	BY MS. ST. PETER-GRIFFITH:	20	customers, it would contravene that practice, right?
21		21	MS. CITERA: Objection to form, outside the
22		22	
	263		265
1	Q. Sir, we have received testimony in this	1	scope.
2	case that this is a Olsten Kimberly Quality Care	2	THE WITNESS: Again, you're -- there's no other
3	proposal analyses, meaning this was prepared by Abbott	3	facts in evidence. I don't know the circumstances of
4	and presented to Olsten Kimberly in the context of	4	how this was prepared and who prepared it and why they
5	preparing for negotiations on a contract.	5	prepared it.
6	A. Okay.	6	BY MS. ST. PETER-GRIFFITH:
7	Q. Does the provision of this information	7	Q. Okay, if the testimony is that that was
8	concerning competitive AWPs and Abbott AWPs violate	8	prepared and presented to a customer --
9	the practice that you described before?	9	A. Okay.
10	MS. CITERA: Objection to the form, outside the	10	Q. -- would that violate the practice, sir?
11	scope.	11	MS. CITERA: Objection to the form, outside the
12	MS. ST. PETER-GRIFFITH: It's not outside the	12	scope.
13	scope.	13	THE WITNESS: You're asking for a conclusion
14	MS. CITERA: Again, to the extent you're asking	14	of that violation.
15	what violates and what's legal or illegal, proper and	15	BY MS. ST. PETER-GRIFFITH:
16	improper, it's outside the scope.	16	Q. No, I'm asking about -- you've testified
17	THE WITNESS: I can state what the practice	17	at length that Abbott had this practice. I want to
18	was, which was not to provide AWP information to	18	know whether or not the provision of this information
19	customers.	19	to a customer violates that practice?
20	BY MS. ST. PETER-GRIFFITH:	20	MS. CITERA: Objection to the form, outside the
21	Q. Okay, well, this -- if this was provided	21	
22		22	

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<p>266</p> <p>1 scope.</p> <p>2 THE WITNESS: I think I -- same answer.</p> <p>3</p> <p>4 BY MS. ST. PETER-GRIFFITH:</p> <p>5 Q. Is that a "yes"?</p> <p>6 A. About -- no, violation is -- you're asking for a con -- a legal conclusion.</p> <p>7 Q. I'm not asking for a legal conclusion.</p> <p>8 I'm asking -- I mean it's -- well, let me ask you</p> <p>9 this. What is the predicate for Abbott's practice?</p> <p>10 MS. CITERA: Objection to the form.</p> <p>11 THE WITNESS: It's the manner in which they</p> <p>12 decided how to do business.</p> <p>13</p> <p>14</p> <p>15 BY MS. ST. PETER-GRIFFITH:</p> <p>16 Q. Okay, so it's an Abbott business decision?</p> <p>17 A. To not pro -- business practice not to provide AWP.</p> <p>18 Q. Okay. Did this -- did this partic -- did</p> <p>19 the provision of this information violate that Abbott</p> <p>20 business practice?</p> <p>21 MS. CITERA: Objection to the form, outside the</p>	<p>268</p> <p>1 MS. ST. PETER-GRIFFITH: Yeah, I was going to</p> <p>2 say that. This is -- sir, I'm representing to you</p> <p>3 that Exhibit 6 in your deposition --</p> <p>4 MS. CITERA: Exhibit 4.</p> <p>5 MS. ST. PETER-GRIFFITH: Oh, I'm sorry.</p> <p>6 THE WITNESS: Exhibit 4.</p> <p>7</p> <p>8 BY MS. ST. PETER-GRIFFITH:</p> <p>9 Q. (Continuing) -- Exhibit 4 in your</p> <p>10 deposition is the -- was previously marked as an</p> <p>11 exhibit in the Kipperman deposition as 493. And you</p> <p>12 see the exhibit sticker at the bottom?</p> <p>13 A. I do.</p> <p>14 Q. Sir, if you could look over to the</p> <p>15 columns, and just before the black line --</p> <p>16 A. Yes.</p> <p>17 Q. -- there's information that says, "AWP</p> <p>18 from Red Book June '96"?</p> <p>19 A. Yes.</p> <p>20 Q. Would the provision of this information to</p> <p>21 a customer -- in this case, it's Chartwell -- be</p> <p>22 consistent with Abbott's practice prohibiting the</p>
<p>267</p> <p>1 scope.</p> <p>2 THE WITNESS: I'm having a problem with the</p> <p>3 word "violate."</p> <p>4</p> <p>5 BY MS. ST. PETER-GRIFFITH:</p> <p>6 Q. Was it consistent with Abbott's business</p> <p>7 practice to provide this information to a customer?</p> <p>8 A. On its face --</p> <p>9 MS. CITERA: Objection to form.</p> <p>10 THE WITNESS: -- I -- I'd say it's not</p> <p>11 consistent.</p> <p>12</p> <p>13 BY MS. ST. PETER-GRIFFITH:</p> <p>14 Q. The next one, I'm sorry, has at the bottom</p> <p>15 493. Sir, I'm going to represent to you that</p> <p>16 Exhibit 6 --</p> <p>17 A. I'm sorry, which page?</p> <p>18 Q. Oh, I'm sorry, just start at -- sorry, I</p> <p>19 haven't flipped to a page yet.</p> <p>20 A. Oh, okay.</p> <p>21 MR. ANDERSON: What exhibit number is it?</p> <p>22 THE WITNESS: 493, witness Kipperman 397.</p>	<p>269</p> <p>1 provision of AWP or spread information to Abbott</p> <p>2 clients?</p> <p>3 MS. CITERA: Objection to the form, outside the</p> <p>4 scope.</p> <p>5 THE WITNESS: On its face, this -- knowing no</p> <p>6 other information, this would not be inconsistent.</p> <p>7 MS. ST. PETER-GRIFFITH: If you could mark this</p> <p>8 as Exhibit 6, please.</p> <p>9 Exhibit Fishman 006 was</p> <p>10 marked for ID)</p> <p>11</p> <p>12 BY MS. ST. PETER-GRIFFITH::</p> <p>13 Q. Sir, Exhibit 6 was previously marked as</p> <p>14 Exhibit 364 to the Mike Sellers deposition. Do you</p> <p>15 see that?</p> <p>16 A. I do.</p> <p>17 Q. And I'll represent to you that this is a</p> <p>18 proposal analyses prepared for Chartwell Home</p> <p>19 Therapies. And do you see on the first page where it</p> <p>20 says "Exhibit F," there is a column that's a double</p> <p>21 column entitled "AWP Spread"? Do you see that?</p> <p>22 A. I do see that.</p>

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<p>1 Q. Would the provision of this AWP spread 2 information to Abbott's client --</p> <p>3 A. Customer.</p> <p>4 Q. -- or customer, Chartwell, be consistent 5 with the practice that Abbott had from '91 through 6 2001 prohibiting the provision of AWP or spread 7 information to customers?</p> <p>8 MS. CITERA: Objection to the form, outside the 9 scope.</p> <p>10 THE WITNESS: Assuming -- assuming those facts 11 and knowing no others, it would not be consistent.</p> <p>12</p> <p>13 BY MS. ST. PETER-GRIFFITH:</p> <p>14 Q. Did Mr. Sellers happen to tell you about 15 this --</p> <p>16 A. This one?</p> <p>17 Q. -- proposal analyses?</p> <p>18 A. No, he did not.</p> <p>19 Q. Okay. Sir, did Abbott ever take any 20 disciplinary action against anyone for violating the 21 practice against providing AWP or spread information 22 to customers?</p>	<p>1 learn information or research information concerning 2 computer information including AWP information 3 provided by Abbott HPD or specifically Alt Site and 4 Home Infusion to Abbott customers?</p> <p>5 A. I don't --</p> <p>6 MS. CITERA: Ever or in preparation for this 7 deposition?</p> <p>8 MS. ST. PETER-GRIFFITH: Well --</p> <p>9 MR. ANDERSON: Both.</p> <p>10 MS. ST. PETER-GRIFFITH: I mean both, yeah.</p> <p>11 THE WITNESS: All right, the answer would be --</p> <p>12 MS. CITERA: Objection to form.</p> <p>13 THE WITNESS: Okay, the answer would be the 14 same for both. I'm not aware of any computer --</p> <p>15 computerized information regarding this subject matter.</p> <p>16</p> <p>17 BY MS. ST. PETER-GRIFFITH:</p> <p>18 Q. Are you familiar with the CHIP system?</p> <p>19 A. No.</p> <p>20 Q. If Abbott had a proprietary computer 21 program called the CHIP system --</p>
271	273
<p>1 A. I don't know.</p> <p>2 MS. CITERA: Objection to form, outside the 3 scope.</p> <p>4 THE WITNESS: Sorry.</p> <p>5 BY MS. ST. PETER-GRIFFITH:</p> <p>6 Q. What -- do you want to take a break?</p> <p>7 A. Can we take a break? Yeah.</p> <p>8 Q. Sure, that's fine.</p> <p>9 A. I waited about as long as I could.</p> <p>10 THE VIDEOGRAPHER: Going off the record at 11 2:34 p.m.</p> <p>12 (Recess taken.)</p> <p>13 THE VIDEOGRAPHER: Beginning Videotape No. 5 in 14 the deposition of Mr. Fishman. We're back on the 15 record at 2:53 p.m.</p> <p>16</p> <p>17 BY MS. ST. PETER-GRIFFITH:</p> <p>18 Q. Mr. Fishman --</p> <p>19 A. Yes.</p> <p>20 Q. -- we -- before the break, we looked at 21 some documents, and I want to ask you whether 22 anyone -- whether you've ever had an opportunity to</p>	<p>1 A. Okay.</p> <p>2 Q. -- that Abbott customers could license 3 that provided to Abbott customers, among other 4 information, AWP information, would that violate or 5 would that be consistent with the practice at Abbott 6 concerning the non-provision of AWP and spread 7 information to customers?</p> <p>8 MS. CITERA: Objection to the form, outside the 9 scope.</p> <p>10 THE WITNESS: I -- it seems to me there's more 11 facts I need regarding how this computer -- how this 12 software program worked. Was the information loaded 13 onto the software program?</p> <p>14</p> <p>15 BY MS. ST. PETER-GRIFFITH:</p> <p>16 Q. Loaded on by who?</p> <p>17 A. I don't know. I don't understand -- I don't 18 understand the nature of this software program.</p> <p>19 Q. Okay, Abbott licensed the software program 20 to its customers, and based -- and on the software 21 program or from the software program, Abbott's 22 customers could obtain AWP information concerning</p>

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Chicago, IL

March 20, 2008

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY) MDL DOCKET NO.
)
AVERAGE WHOLESALE PRICE) CIVIL ACTION
)
LITIGATION.) 01CV12257-PBS

VOLUME II

The videotaped 30(b)(6) deposition of ABBOTT (DAVID FISHMAN), called by the United States for examination, taken pursuant to subpoena and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Rachel F. Gard, Certified Shorthand Reporter, at 77 West Wacker Drive, Suite 3500, Chicago, Illinois, commencing at 8:35 a.m. on the 20th day of March, A.D., 2008.

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Chicago, IL

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5 MS. ANN ST. PETER-GRIFFITH	5 Examination by Mr. Anderson 676
6 99 N.E. 4th Street	6
7 Miami, Florida 33132	7 EXHIBITS
8 Phone: (305) 961-9003	8 FISHMAN EXHIBIT PAGE
9 Email: ann.st.peter-griffith@usdoj.gov	9 Exhibit Fishman 008 ABT-DOJ 0395435 - ABT-DOJ
10 On behalf of the United States;	10 0395586 370
11	11 Exhibit Fishman 009 Additional Abbott-produced
12 ANDERSON, LLC	12 compliance documents with
13 MR. C. JARRETT ANDERSON	13 no Bates numbers 372
14 208 West 14th Street	14 Exhibit Fishman 010 ABT-DOJ 0397104 - ABT-DOJ
15 Suite 3-B	15 0397214 and ABT-DOJ
16 Austin, Texas 78701	16 0398240 - ABT-DOJ 0398285 374
17 Phone: (512) 469-9191	17 Exhibit Fishman 011 Letter to Abbott from the
18 Email: jarrett@anderson-llc.com	18 United States Department
19 On behalf of the Relator Ven-A-Care of the	19 of Justice dated September
20 Florida Keys, Inc.;	20 30, 1999 444
21	21 Exhibit Fishman 012 AR 00887 - AR 01013 487
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2 MS. TONI-ANN CITERA	2 FISHMAN EXHIBIT PAGE
3 222 East 41st Street	3 Exhibit Fishman 014 ABT-DOJ 351271 - ABT-DOJ
4 New York, New York 10017	4 351270 570
5 Phone: (212) 326-3939	5 Exhibit Fishman 015 ABT-DOJ 335485 - ABT-DOJ
6 Email: tcitera@jonesday.com	6 335487 585
7 On behalf of Abbott Laboratories and the	7 Exhibit Fishman 016 ABT-DOJ 307075 595
8 deponent.	8 Exhibit Fishman 017 Document retained by
9	9 Ms. Citera based on
10	10 privilege 599
11 ALSO PRESENT: Stephan Hoog	11 Exhibit Fishman 018 ABT-DOJ 340984 - ABT-DOJ
12 (Legal Visual Services)	12 340985 601
13	13 Exhibit Fishman 019 ABT-DOJ 340986 - ABT-DOJ
14	14 340987 606
15 * * * * *	15
16	16 CERTIFIED QUESTION
17	17 QUESTION PAGE
18	18
19	19 Q. Okay. Outside of the kind
20	20 of big-sky picture that Abbott
21	21 complies with laws, does
22	22 Abbott have a position on

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Chicago, IL

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<p style="text-align: right;">379</p> <p>1 with the type of information that is contained in 2 many of the -- or if not most of the presentations 3 that have already been produced.</p> <p>4 Q. Was there anything -- is there anything 5 unique about fraud and abuse compliance with regard 6 to Home Infusion given their slightly different 7 business model than, say, the rest of Abbott or 8 HPD?</p> <p>9 A. No, we --</p> <p>10 MS. CITERA: Objection to form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. We gave fraud and abuse presentations to 13 many of the businesses, including Home Infusion.</p> <p>14 Q. Okay. But my question is, are there -- 15 given Home Infusion's business model, were there 16 additional fraud and abuse issues that perhaps 17 touched upon them that might not be applicable for, 18 you know, HBS's DRG reimbursement model or even Alt 19 Site's?</p> <p>20 A. They would be --</p> <p>21 MS. CITERA: Objection to form.</p> <p>22 THE WITNESS: Sorry.</p>	<p style="text-align: right;">381</p> <p>1 Q. In your sort of additional research for 2 today's deposition, nobody told you that Abbott's 3 reimbursement department submitted claims on behalf 4 of Abbott's pharmacies?</p> <p>5 A. No.</p> <p>6 Q. Did anyone tell you that Abbott's 7 pharmacies -- well, actually Abbott itself had a 8 provider number with -- or provider numbers with 9 Medicaid and Medicare for purposes of submitting 10 claims on behalf of its pharmacies?</p> <p>11 MS. CITERA: Objection to the form, outside 12 the scope.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I'm not aware of that.</p> <p>15 Q. Do you think if Abbott -- or is it 16 Abbott's position if it did submit claims to 17 Medicaid and Medicare on its own behalf, that that 18 would create a situation where they would need to 19 have heightened scrutiny on Medicaid and Medicare 20 fraud and abuse?</p> <p>21 MS. CITERA: Objection to the form, outside 22 the scope.</p>
<p style="text-align: right;">380</p> <p>1 BY MS. ST. PETER-GRIFFITH:</p> <p>2 Q. Go ahead.</p> <p>3 A. They would be -- they would be -- Their 4 business model and activities would be subject to 5 the same compliance regulations and rules and laws 6 that all the other businesses would be subject to.</p> <p>7 Q. Would the fact that Abbott's Home 8 Infusion business unit actually submitted claims, 9 either on behalf of Abbott's pharmacies or on 10 behalf of customers or consignment partners, would 11 that fact necessitate a need to look at additional 12 compliance measures?</p> <p>13 MS. CITERA: Objection to the form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. As I stated last time, I was not and am 16 not aware that Abbott submitted reimbursement 17 claims in its own name for itself. I'm aware that 18 as part of the services it provided to certain Home 19 Infusion customers, it would have -- it would have 20 done billing. It would have compiled billing 21 information and submitted it on behalf of 22 customers.</p>	<p style="text-align: right;">382</p> <p>1 BY THE WITNESS:</p> <p>2 A. To the extent they filed claims for -- 3 under its own provider number and in its own name, 4 they would have to comply with the regulations in 5 the -- to the same extent they would comply with 6 regulations as a service provider or product 7 provider.</p> <p>8 Q. For their consignment partners?</p> <p>9 A. For their consignment partners or any of 10 their businesses, quite frankly.</p> <p>11 Q. Okay. Did you discuss anything else with 12 Mr. Taylor?</p> <p>13 A. I did not.</p> <p>14 Q. What about Mr. Matea?</p> <p>15 A. With Mr. Matea, I had a phone 16 conversation that was less than five minutes. And 17 he confirmed my testimony the first -- on last 18 Wednesday. I speculated or assumed that in the 19 composition of the business conduct committee, that 20 Rick Gonzalez, in his capacity as president of 21 Abbott, was, in fact, on the business conduct 22 committee but, in fact, as I suggested in that</p>

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